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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,763	07/25/2003	Carlos H. Barrientos Lima		1854

7590 05/24/2005  
Carlos H. Barrientos  
1337 Armstrong Drive  
Desoto, TX 75115

EXAMINER

KRAMER, DEAN J

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/626,763

Applicant(s)

LIMA, CARLOS H. BARRIENTOS

Examiner

Dean J. Kramer

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. Claims 1, 3, and 5-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is no clear antecedent basis for "said U-shaped portion of said groove means" (claim 1, line 8), "said groove" (first recited in claim 1, line 10), "The apparatus" (line 1 of claims 3, 7, and 8), "the bight portion" (claim 3, line 7), "said handle" (claim 3, line 8), "the hand grip lower portion" (claim 5, lines 3 and 4), "the upper portion" (claim 5, line 4), "the bit portion" (claim 6, line 4), or "said holder" (claim 7, line 6).

Further, in claim 3, line 6, it is unclear whether the term "handle body" is meant to be the same structural element as the "body" as previously set forth in claims 2 and 3.

Also, in claim 1, line 3 and in claim 6, line 6, the word "a" immediately before the word "upper" should be changed to --an--.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2, 4, and 6, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by the Design Patent (D369,746) to Sheppard.

Sheppard shows a generally inverted U-shaped bar carrier comprising an upwardly facing groove and retention tabs at each end of the groove.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, and 7, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over the Design Patent (D369,746) to Sheppard in view of Young (U.S. Patent No. 1,570,025).

Young shows an embodiment in Figures 1 and 2 of a hand grip having a generally U-shaped extension (5) for supporting the back of a user's hand to support the wrist when carrying a heavy load.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an inverted U-shaped extension on Sheppard's carrier as taught by Young in order to reduce the strain on a user's wrist and hand muscles when carrying a relatively heavy load.

6. Claims 5 and 8, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over the Design Patent (D369,746) to Sheppard in view of the Design Patent to Glukes (D157,859).

Glukes shows a carrier substantially similar to the Sheppard carrier, but Glukes also contains a lower extension connecting the ends of the U-shape design such that

the extension could provide "shock absorber relief" if a user's palm or fingers directly engage the extension when carrying a load.

It would have been obvious to a person having ordinary skill in the art to connect the ends of Sheppard's U-shaped carrier with an extension member similar to that shown in the Glukes patent so that when a user grips the under surface of the extension member, a natural shock absorbing relief would exist between a user's hand and the handles of heavily loaded bags. Regarding claim 8, the space or opening between the bight portion of the resulting carrier and the extension member could be user to store collapsed bags or the like therein.

### ***Specification***

7. The disclosure is objected to because of the following informalities: On page 5, lines 23 and 24 of the specification, the phrase "the projections need not be curved is they nearly touch another surface" is not clearly understood.

Appropriate correction is required.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tolcher shows a carrier having a wrist support means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dean J. Kramer whose telephone number is (571) 272-6926. The examiner can normally be reached on Mon., Tues., Thurs., Fri. (7:00-5:00).

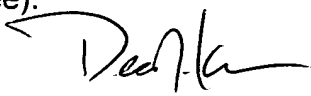
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Dean J. Kramer  
Primary Examiner  
Art Unit 3652

5/19/05

djk  
5/19/05